

REMARKS

This Response, submitted in reply to the Office Action dated September 13, 2005, is believed to be fully responsive to each point of rejection raised therein. Accordingly, favorable reconsideration on the merits is respectfully requested.

Claims 1-22 are all the claims pending in the application.

I. Rejection of claims 1, 9, 13-14, 19 and 22 under 35 U.S.C. § 103

Claims 1, 9, 13-14, 19 and 22 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Watanabe et al. (U.S. Patent No. 5,991,642) in view of Oestreich (U.S. Patent No. 6,349,197).

Claim 1 recites:

A method of establishing the tandem free operation mode for a mobile station to mobile station and cell to cell call in a cellular mobile telephone system, the method comprising **selecting a common coding mode for each mobile station and the selection of a common coding mode takes account of the traffic load in at least one cell.**

The Examiner concedes that Watanabe does not teach a step of selecting a common coding mode for each mobile station and the selection of a common coding mode takes account of the traffic load in at least one cell, and cites Oestreich to cure the deficiency. See Office Action at page 4, second paragraph. In particular, the Examiner asserts that Oestreich teaches that the traffic load causes transcoding to change.

Oestreich merely discloses that a control means detects interruptions in the TPO transmission; therefore if a changeover is necessary in a half-rate mode, then a narrow band

speed coding method SSCV should be selected. Oestreich discloses to select either a broadband or a narrowband speech coding method. See col. 2, lines 15-20. Oestreich discloses that (only) the broadband transmission of speech information occurs with a TFO mode. See col. 4, lines 18-20. Oestreich further discloses, for a given connection, to monitor the transmission possibilities, and depending on this monitoring, to execute if necessary a switchover from the broadband to the narrowband speech coding method. See col. 2, lines 20-28, or col. 4, lines 27-44; i.e. a switchover from TFO mode to non TFO mode.

An example of such a switchover from the broadband to the narrowband speech coding method is the “bottleneck in the allocation of radio resources” referred to by the Examiner and disclosed at col. 4 lines 38-39. However, this is different from the selection of a common coding mode, taking into account the traffic load, as claimed in the present application.

Moreover, as previously indicated, Watanabe discloses the selection of a coding mode according to a coding mode which mobile stations have in common. In particular, a goal of Watanabe is to permit a control station to select a speech coding scheme according to an order of priority. See col. 7, lines 3-12. *Assuming arguendo*, Oestreich teaches the elements as claimed, the combination of Oestreich with Watanabe is not obvious. In particular, modifying Watanabe would result in a substantial modification of the principal of operation of Watanabe (MPEP 2143.01(V)), evidencing that the Examiner’s reasoning is merely a result of impermissible hindsight.

For at least the above reasons, claim 1 and its dependent claims should be deemed allowable. To the extent claim 22 recites similar elements, claim 22 should be deemed allowable for at least the same reasons.

II. Rejection of claims 10-12 under 35 U.S.C. § 103

Claims 10-12 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Watanabe and Oestreich in view of Mayer (U.S. 2003/0195011). Claims 10-12 should be deemed allowable by virtue of their dependency to claim 1 for the reasons set forth above.

Moreover, Mayer does not cure the deficiencies of Watanabe and Oestreich.

III. Allowable Subject Matter

Claims 20 and 21 have been allowed.

Claims 2-8 and 15-18 have been objected to as being dependent upon a rejected base claim, but would be allowed if rewritten in independent form. At the present time, Applicant has not rewritten claims 2-8 and 15-18 in independent form since Applicant believes claims 2-8 and 15-18 will be deemed allowable by virtue of their dependency to claim 1 for at least the reasons set forth above.

IV. Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

RESPONSE UNDER 37 C.F.R. § 1.116
Appln. No.: 09/749,656

Attorney Docket No.: Q62485

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



Ruthleen E. Uy
Registration No. 51,361

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE

23373

CUSTOMER NUMBER

Date: February 13, 2006